

1 AN ACT concerning domestic violence.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short Title. This Act may be cited as the
5 Uniform Interstate Enforcement of Domestic-Violence
6 Protection Orders Act.

7 Section 2. Definitions. In this Act:

8 (1) "Foreign protection order" means a protection
9 order issued by a tribunal of another state.

10 (2) "Issuing state" means the state whose tribunal
11 issues a protection order.

12 (3) "Mutual foreign protection order" means a
13 foreign protection order that includes provisions in
14 favor of both the protected individual seeking
15 enforcement of the order and the respondent.

16 (4) "Protected individual" means an individual
17 protected by a protection order.

18 (5) "Protection order" means an injunction or other
19 order, issued by a tribunal under the domestic-violence,
20 family-violence, or anti-stalking laws of the issuing
21 state, to prevent an individual from engaging in violent
22 or threatening acts against, harassment of, contact or
23 communication with, or physical proximity to, another
24 individual.

25 (6) "Respondent" means the individual against whom
26 enforcement of a protection order is sought.

27 (7) "State" means a state of the United States, the
28 District of Columbia, Puerto Rico, the United States
29 Virgin Islands, or any territory or insular possession
30 subject to the jurisdiction of the United States. The
31 term includes an Indian tribe or band that has

1 jurisdiction to issue protection orders.

2 (8) "Tribunal" means a court, agency, or other
3 entity authorized by law to issue or modify a protection
4 order.

5 Section 3. Judicial Enforcement of Order.

6 (a) A person authorized by the law of this State to seek
7 enforcement of a protection order may seek enforcement of a
8 valid foreign protection order in a tribunal of this State.
9 The tribunal shall enforce the terms of the order, including
10 terms that provide relief that a tribunal of this State would
11 lack power to provide but for this Section. The tribunal
12 shall enforce the order, whether the order was obtained by
13 independent action or in another proceeding, if it is an
14 order issued in response to a complaint, petition, or motion
15 filed by or on behalf of an individual seeking protection. In
16 a proceeding to enforce a foreign protection order, the
17 tribunal shall follow the procedures of this State for the
18 enforcement of protection orders.

19 (b) A tribunal of this State may not enforce a foreign
20 protection order issued by a tribunal of a state that does
21 not recognize the standing of a protected individual to seek
22 enforcement of the order.

23 (c) A tribunal of this State shall enforce the
24 provisions of a valid foreign protection order which govern
25 custody and visitation, if the order was issued in accordance
26 with the jurisdictional requirements governing the issuance
27 of custody and visitation orders in the issuing state.

28 (d) A foreign protection order is valid if it:

29 (1) identifies the protected individual and the
30 respondent;

31 (2) is currently in effect;

32 (3) was issued by a tribunal that had jurisdiction
33 over the parties and subject matter under the law of the

1 issuing state; and

2 (4) was issued after the respondent was given
3 reasonable notice and had an opportunity to be heard
4 before the tribunal issued the order or, in the case of
5 an order ex parte, the respondent was given notice and
6 has had or will have an opportunity to be heard within a
7 reasonable time after the order was issued, in a manner
8 consistent with the rights of the respondent to due
9 process.

10 (e) A foreign protection order valid on its face is
11 prima facie evidence of its validity.

12 (f) Absence of any of the criteria for validity of a
13 foreign protection order is an affirmative defense in an
14 action seeking enforcement of the order.

15 (g) A tribunal of this State may enforce provisions of a
16 mutual foreign protection order which favor a respondent only
17 if:

18 (1) the respondent filed a written pleading seeking
19 a protection order from the tribunal of the issuing
20 state; and

21 (2) the tribunal of the issuing state made specific
22 findings in favor of the respondent.

23 Section 4. Nonjudicial Enforcement of Order.

24 (a) A law enforcement officer of this State, upon
25 determining that there is probable cause to believe that a
26 valid foreign protection order exists and that the order has
27 been violated, shall enforce the order as if it were the
28 order of a tribunal of this State. Presentation of a
29 protection order that identifies both the protected
30 individual and the respondent and, on its face, is currently
31 in effect constitutes probable cause to believe that a valid
32 foreign protection order exists. For the purposes of this
33 Section, the protection order may be inscribed on a tangible

1 medium or may have been stored in an electronic or other
2 medium if it is retrievable in perceivable form. Presentation
3 of a certified copy of a protection order is not required for
4 enforcement.

5 (b) If a foreign protection order is not presented, a
6 law enforcement officer of this State may consider other
7 information in determining whether there is probable cause to
8 believe that a valid foreign protection order exists.

9 (c) If a law enforcement officer of this State
10 determines that an otherwise valid foreign protection order
11 cannot be enforced because the respondent has not been
12 notified or served with the order, the officer shall inform
13 the respondent of the order, make a reasonable effort to
14 serve the order upon the respondent, and allow the respondent
15 a reasonable opportunity to comply with the order before
16 enforcing the order.

17 (d) Registration or filing of an order in this State is
18 not required for the enforcement of a valid foreign
19 protection order pursuant to this Act.

20 Section 5. (Blank).

21 Section 6. Immunity. This State or a local governmental
22 agency, or a law enforcement officer, prosecuting attorney,
23 clerk of court, or any state or local governmental official
24 acting in an official capacity, is immune from civil and
25 criminal liability for an act or omission arising out of the
26 registration or enforcement of a foreign protection order or
27 the detention or arrest of an alleged violator of a foreign
28 protection order if the act or omission was done in good
29 faith in an effort to comply with this Act.

30 Section 7. Other Remedies. A protected individual who
31 pursues remedies under this Act is not precluded from

1 pursuing other legal or equitable remedies against the
2 respondent.

3 Section 8. Uniformity of Application and Construction.
4 In applying and construing this Uniform Act, consideration
5 must be given to the need to promote uniformity of the law
6 with respect to its subject matter among states that enact
7 it.

8 Section 9. Severability Clause. If any provision of this
9 Act or its application to any person or circumstance is held
10 invalid, the invalidity does not affect other provisions or
11 applications of this Act which can be given effect without
12 the invalid provision or application, and to this end the
13 provisions of this Act are severable.

14 Section 10. (Blank).

15 Section 11. Transitional Provision. This Act applies to
16 protection orders issued before the effective date of this
17 Act and to continuing actions for enforcement of foreign
18 protection orders commenced before the effective date of this
19 Act. A request for enforcement of a foreign protection order
20 made on or after the effective date of this Act for
21 violations of a foreign protection order occurring before the
22 effective date of this Act is governed by this Act.

23 Section 11.1. The Code of Criminal Procedure of 1963 is
24 amended by changing Sections 110-10, 112A-22.5, and 112A-28
25 as follows:

26 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

27 Sec. 110-10. Conditions of bail bond.

28 (a) If a person is released prior to conviction, either

1 upon payment of bail security or on his or her own
2 recognizance, the conditions of the bail bond shall be that
3 he or she will:

4 (1) Appear to answer the charge in the court having
5 jurisdiction on a day certain and thereafter as ordered
6 by the court until discharged or final order of the
7 court;

8 (2) Submit himself or herself to the orders and
9 process of the court;

10 (3) Not depart this State without leave of the
11 court;

12 (4) Not violate any criminal statute of any
13 jurisdiction;

14 (5) At a time and place designated by the court,
15 surrender all firearms in his or her possession to a law
16 enforcement officer designated by the court to take
17 custody of and impound the firearms and physically
18 surrender his or her Firearm Owner's Identification Card
19 to the clerk of the circuit court when the offense the
20 person has been charged with is a forcible felony,
21 stalking, aggravated stalking, domestic battery, any
22 violation of either the Illinois Controlled Substances
23 Act or the Cannabis Control Act that is classified as a
24 Class 2 or greater felony, or any felony violation of
25 Article 24 of the Criminal Code of 1961; the court may,
26 however, forgo the imposition of this condition when the
27 circumstances of the case clearly do not warrant it or
28 when its imposition would be impractical; all legally
29 possessed firearms shall be returned to the person upon
30 that person completing a sentence for a conviction on a
31 misdemeanor domestic battery, upon the charges being
32 dismissed, or if the person is found not guilty, unless
33 the finding of not guilty is by reason of insanity; and

34 (6) At a time and place designated by the court,

1 submit to a psychological evaluation when the person has
2 been charged with a violation of item (4) of subsection
3 (a) of Section 24-1 of the Criminal Code of 1961 and that
4 violation occurred in a school or in any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school-related activity,
7 or on any public way within 1,000 feet of real property
8 comprising any school.

9 Psychological evaluations ordered pursuant to this
10 Section shall be completed promptly and made available to the
11 State, the defendant, and the court. As a further condition
12 of bail under these circumstances, the court shall order the
13 defendant to refrain from entering upon the property of the
14 school, including any conveyance owned, leased, or contracted
15 by a school to transport students to or from school or a
16 school-related activity, or on any public way within 1,000
17 feet of real property comprising any school. Upon receipt of
18 the psychological evaluation, either the State or the
19 defendant may request a change in the conditions of bail,
20 pursuant to Section 110-6 of this Code. The court may change
21 the conditions of bail to include a requirement that the
22 defendant follow the recommendations of the psychological
23 evaluation, including undergoing psychiatric treatment. The
24 conclusions of the psychological evaluation and any
25 statements elicited from the defendant during its
26 administration are not admissible as evidence of guilt during
27 the course of any trial on the charged offense, unless the
28 defendant places his or her mental competency in issue.

29 (b) The court may impose other conditions, such as the
30 following, if the court finds that such conditions are
31 reasonably necessary to assure the defendant's appearance in
32 court, protect the public from the defendant, or prevent the
33 defendant's unlawful interference with the orderly
34 administration of justice:

1 (1) Report to or appear in person before such
2 person or agency as the court may direct;

3 (2) Refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) Refrain from approaching or communicating with
6 particular persons or classes of persons;

7 (4) Refrain from going to certain described
8 geographical areas or premises;

9 (5) Refrain from engaging in certain activities or
10 indulging in intoxicating liquors or in certain drugs;

11 (6) Undergo treatment for drug addiction or
12 alcoholism;

13 (7) Undergo medical or psychiatric treatment;

14 (8) Work or pursue a course of study or vocational
15 training;

16 (9) Attend or reside in a facility designated by
17 the court;

18 (10) Support his or her dependents;

19 (11) If a minor resides with his or her parents or
20 in a foster home, attend school, attend a non-residential
21 program for youths, and contribute to his or her own
22 support at home or in a foster home;

23 (12) Observe any curfew ordered by the court;

24 (13) Remain in the custody of such designated
25 person or organization agreeing to supervise his release.
26 Such third party custodian shall be responsible for
27 notifying the court if the defendant fails to observe the
28 conditions of release which the custodian has agreed to
29 monitor, and shall be subject to contempt of court for
30 failure so to notify the court;

31 (14) Be placed under direct supervision of the
32 Pretrial Services Agency, Probation Department or Court
33 Services Department in a pretrial bond home supervision
34 capacity with or without the use of an approved

1 electronic monitoring device subject to Article 8A of
2 Chapter V of the Unified Code of Corrections;

3 (14.1) The court shall impose upon a defendant who
4 is charged with any alcohol, cannabis or controlled
5 substance violation and is placed under direct
6 supervision of the Pretrial Services Agency, Probation
7 Department or Court Services Department in a pretrial
8 bond home supervision capacity with the use of an
9 approved monitoring device, as a condition of such bail
10 bond, a fee that represents costs incidental to the
11 electronic monitoring for each day of such bail
12 supervision ordered by the court, unless after
13 determining the inability of the defendant to pay the
14 fee, the court assesses a lesser fee or no fee as the
15 case may be. The fee shall be collected by the clerk of
16 the circuit court. The clerk of the circuit court shall
17 pay all monies collected from this fee to the county
18 treasurer for deposit in the substance abuse services
19 fund under Section 5-1086.1 of the Counties Code;

20 (14.2) The court shall impose upon all defendants,
21 including those defendants subject to paragraph (14.1)
22 above, placed under direct supervision of the Pretrial
23 Services Agency, Probation Department or Court Services
24 Department in a pretrial bond home supervision capacity
25 with the use of an approved monitoring device, as a
26 condition of such bail bond, a fee which shall represent
27 costs incidental to such electronic monitoring for each
28 day of such bail supervision ordered by the court, unless
29 after determining the inability of the defendant to pay
30 the fee, the court assesses a lesser fee or no fee as the
31 case may be. The fee shall be collected by the clerk of
32 the circuit court. The clerk of the circuit court shall
33 pay all monies collected from this fee to the county
34 treasurer who shall use the monies collected to defray

1 the costs of corrections. The county treasurer shall
2 deposit the fee collected in the county working cash fund
3 under Section 6-27001 or Section 6-29002 of the Counties
4 Code, as the case may be;

5 (14.3) The Chief Judge of the Judicial Circuit may
6 establish reasonable fees to be paid by a person
7 receiving pretrial services while under supervision of a
8 pretrial services agency, probation department, or court
9 services department. Reasonable fees may be charged for
10 pretrial services including, but not limited to, pretrial
11 supervision, diversion programs, electronic monitoring,
12 victim impact services, drug and alcohol testing, and
13 victim mediation services. The person receiving pretrial
14 services may be ordered to pay all costs incidental to
15 pretrial services in accordance with his or her ability
16 to pay those costs;

17 (15) Comply with the terms and conditions of an
18 order of protection issued by the court under the
19 Illinois Domestic Violence Act of 1986 or a foreign
20 protection order (as defined in the Uniform Interstate
21 Enforcement of Domestic-Violence Protection Orders Act)
22 ~~an--order--of--protection--issued--by--the--court--of--another~~
23 ~~state,--tribe,--or--United--States--territory;~~

24 (16) Under Section 110-6.5 comply with the
25 conditions of the drug testing program; and

26 (17) Such other reasonable conditions as the court
27 may impose.

28 (c) When a person is charged with an offense under
29 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
30 "Criminal Code of 1961", involving a victim who is a minor
31 under 18 years of age living in the same household with the
32 defendant at the time of the offense, in granting bail or
33 releasing the defendant on his own recognizance, the judge
34 shall impose conditions to restrict the defendant's access to

1 the victim which may include, but are not limited to
2 conditions that he will:

- 3 1. Vacate the Household.
- 4 2. Make payment of temporary support to his
5 dependents.
- 6 3. Refrain from contact or communication with the
7 child victim, except as ordered by the court.

8 (d) When a person is charged with a criminal offense and
9 the victim is a family or household member as defined in
10 Article 112A, conditions shall be imposed at the time of the
11 defendant's release on bond that restrict the defendant's
12 access to the victim. Unless provided otherwise by the court,
13 the restrictions shall include requirements that the
14 defendant do the following:

15 (1) refrain from contact or communication with the
16 victim for a minimum period of 72 hours following the
17 defendant's release; and

18 (2) refrain from entering or remaining at the
19 victim's residence for a minimum period of 72 hours
20 following the defendant's release.

21 (e) Local law enforcement agencies shall develop
22 standardized bond forms for use in cases involving family or
23 household members as defined in Article 112A, including
24 specific conditions of bond as provided in subsection (d).
25 Failure of any law enforcement department to develop or use
26 those forms shall in no way limit the applicability and
27 enforcement of subsections (d) and (f).

28 (f) If the defendant is admitted to bail after
29 conviction the conditions of the bail bond shall be that he
30 will, in addition to the conditions set forth in subsections
31 (a) and (b) hereof:

- 32 (1) Duly prosecute his appeal;
- 33 (2) Appear at such time and place as the court may
34 direct;

1 (3) Not depart this State without leave of the
2 court;

3 (4) Comply with such other reasonable conditions as
4 the court may impose; and

5 (5) If the judgment is affirmed or the cause
6 reversed and remanded for a new trial, forthwith
7 surrender to the officer from whose custody he was
8 bailed.

9 (g) Upon a finding of guilty for any felony offense, the
10 defendant shall physically surrender, at a time and place
11 designated by the court, any and all firearms in his or her
12 possession and his or her Firearm Owner's Identification Card
13 as a condition of remaining on bond pending sentencing.

14 (Source: P.A. 91-11, eff. 6-4-99; 91-312, eff. 1-1-00;
15 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-329, eff.
16 8-9-01; 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

17 (725 ILCS 5/112A-22.5)

18 Sec. 112A-22.5. Filing of a foreign protection order an
19 ~~order-of-protection-issued-in-another-state.~~

20 (a) A person entitled to protection under a foreign
21 protection order (as defined in the Uniform Interstate
22 Enforcement of Domestic-Violence Protection Orders Act) an
23 ~~order--of--protection--issued--by--the--court--of--another--state,~~
24 ~~tribe,-or-United-States-territory~~ may file a certified copy
25 of the foreign ~~order-of~~ protection order with the clerk of
26 the court in a judicial circuit in which the person believes
27 that enforcement may be necessary.

28 (b) The clerk shall:

29 (1) treat the foreign ~~order-of~~ protection order in
30 the same manner as a judgment of the circuit court for
31 any county of this State in accordance with the
32 provisions of the Uniform Enforcement of Foreign
33 Judgments Act, except that the clerk shall not mail

1 notice of the filing of the foreign protection order to
2 the respondent named in the order; and

3 (2) on the same day that a foreign ~~order--of~~
4 protection order is filed, file a certified copy of that
5 order with the sheriff or other law enforcement officials
6 charged with maintaining Department of State Police
7 records as set forth in Section 112A-22 of this Act.

8 (c) Neither residence in this State nor filing of a
9 foreign ~~order--of~~ protection order shall be required for
10 enforcement of the order by this State. Failure to file the
11 foreign order shall not be an impediment to its treatment in
12 all respects as an Illinois order of protection nor its
13 enforcement under the Uniform Interstate Enforcement of
14 Domestic-Violence Protection Orders Act.

15 (d) The clerk shall not charge a fee to file a foreign
16 ~~order-of~~ protection order under this Section.

17 (e) The sheriff shall inform the Department of State
18 Police as set forth in Section 112A-28 of this Act.

19 (Source: P.A. 91-903, eff. 1-1-01.)

20 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

21 Sec. 112A-28. Data maintenance by law enforcement
22 agencies.

23 (a) All sheriffs shall furnish to the Department of
24 State Police, daily, in the form and detail the Department
25 requires, copies of any recorded orders of protection issued
26 by the court, and any foreign ~~orders-of~~ protection orders
27 filed with by the clerk of the court, and transmitted to the
28 sheriff by the clerk of the court pursuant to subsection (b)
29 of Section 112A-22 of this Act. In this Section, "order of
30 protection" includes an order of protection issued in this
31 State and a foreign protection order filed with the clerk of
32 the court. Each order of protection shall be entered in the
33 Law Enforcement Automated Data System on the same day it is

1 issued by the court or filed with the clerk of the court. If
2 an emergency order of protection was issued in accordance
3 with subsection (c) of Section 112A-17, the order shall be
4 entered in the Law Enforcement Automated Data System as soon
5 as possible after receipt from the clerk.

6 (b) The Department of State Police shall maintain a
7 complete and systematic record and index of all valid and
8 recorded orders of protection issued or filed pursuant to
9 this Act. The data shall be used to inform all dispatchers
10 and law enforcement officers at the scene of an alleged
11 incident of abuse or violation of an order of protection of
12 any recorded prior incident of abuse involving the abused
13 party and the effective dates and terms of any recorded order
14 of protection.

15 (c) The data, records and transmittals required under
16 this Section shall pertain to any valid emergency, interim or
17 plenary order of protection, whether issued in a civil or
18 criminal proceeding or issued by a tribunal as defined in the
19 Uniform Interstate Enforcement of Domestic-Violence
20 Protection Orders Act ~~authorized under the laws of another~~
21 ~~state, tribe, or United States territory.~~

22 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01.)

23 Section 11.2. The Unified Code of Corrections is amended
24 by changing Sections 3-3-7 and 5-6-3 as follows:

25 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

26 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
27 Release.

28 (a) The conditions of parole or mandatory supervised
29 release shall be such as the Prisoner Review Board deems
30 necessary to assist the subject in leading a law-abiding
31 life. The conditions of every parole and mandatory supervised
32 release are that the subject:

1 (1) not violate any criminal statute of any
2 jurisdiction during the parole or release term;

3 (2) refrain from possessing a firearm or other
4 dangerous weapon;

5 (3) report to an agent of the Department of
6 Corrections;

7 (4) permit the agent to visit him or her at his or
8 her home, employment, or elsewhere to the extent
9 necessary for the agent to discharge his or her duties;

10 (5) attend or reside in a facility established for
11 the instruction or residence of persons on parole or
12 mandatory supervised release;

13 (6) secure permission before visiting or writing a
14 committed person in an Illinois Department of Corrections
15 facility;

16 (7) report all arrests to an agent of the
17 Department of Corrections as soon as permitted by the
18 arresting authority but in no event later than 24 hours
19 after release from custody;

20 (8) obtain permission of an agent of the Department
21 of Corrections before leaving the State of Illinois;

22 (9) obtain permission of an agent of the Department
23 of Corrections before changing his or her residence or
24 employment;

25 (10) consent to a search of his or her person,
26 property, or residence under his or her control;

27 (11) refrain from the use or possession of
28 narcotics or other controlled substances in any form, or
29 both, or any paraphernalia related to those substances
30 and submit to a urinalysis test as instructed by a parole
31 agent of the Department of Corrections;

32 (12) not frequent places where controlled
33 substances are illegally sold, used, distributed, or
34 administered;

1 (13) not knowingly associate with other persons on
2 parole or mandatory supervised release without prior
3 written permission of his or her parole agent and not
4 associate with persons who are members of an organized
5 gang as that term is defined in the Illinois Streetgang
6 Terrorism Omnibus Prevention Act;

7 (14) provide true and accurate information, as it
8 relates to his or her adjustment in the community while
9 on parole or mandatory supervised release or to his or
10 her conduct while incarcerated, in response to inquiries
11 by his or her parole agent or of the Department of
12 Corrections; and

13 (15) follow any specific instructions provided by
14 the parole agent that are consistent with furthering
15 conditions set and approved by the Prisoner Review Board
16 or by law, exclusive of placement on electronic
17 detention, to achieve the goals and objectives of his or
18 her parole or mandatory supervised release or to protect
19 the public. These instructions by the parole agent may be
20 modified at any time, as the agent deems appropriate.

21 (b) The Board may in addition to other conditions
22 require that the subject:

23 (1) work or pursue a course of study or vocational
24 training;

25 (2) undergo medical or psychiatric treatment, or
26 treatment for drug addiction or alcoholism;

27 (3) attend or reside in a facility established for
28 the instruction or residence of persons on probation or
29 parole;

30 (4) support his dependents;

31 (5) (blank);

32 (6) (blank);

33 (7) comply with the terms and conditions of an
34 order of protection issued pursuant to the Illinois

1 Domestic Violence Act of 1986, enacted by the 84th
2 General Assembly, or a foreign protection order (as
3 defined in the Uniform Interstate Enforcement of
4 Domestic-Violence Protection Orders Act) an--order--of
5 protection--issued--by--the--court--of--another--state,--tribe,
6 or--United--States--territory;

7 (8) and in addition, if a minor:

8 (i) reside with his parents or in a foster
9 home;

10 (ii) attend school;

11 (iii) attend a non-residential program for
12 youth; or

13 (iv) contribute to his own support at home or
14 in a foster home.

15 (c) The conditions under which the parole or mandatory
16 supervised release is to be served shall be communicated to
17 the person in writing prior to his release, and he shall sign
18 the same before release. A signed copy of these conditions,
19 including a copy of an order of protection where one had been
20 issued by the criminal court, shall be retained by the person
21 and another copy forwarded to the officer in charge of his
22 supervision.

23 (d) After a hearing under Section 3-3-9, the Prisoner
24 Review Board may modify or enlarge the conditions of parole
25 or mandatory supervised release.

26 (e) The Department shall inform all offenders committed
27 to the Department of the optional services available to them
28 upon release and shall assist inmates in availing themselves
29 of such optional services upon their release on a voluntary
30 basis.

31 (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

32 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

33 Sec. 5-6-3. Conditions of Probation and of Conditional

1 Discharge.

2 (a) The conditions of probation and of conditional
3 discharge shall be that the person:

4 (1) not violate any criminal statute of any
5 jurisdiction;

6 (2) report to or appear in person before such
7 person or agency as directed by the court;

8 (3) refrain from possessing a firearm or other
9 dangerous weapon;

10 (4) not leave the State without the consent of the
11 court or, in circumstances in which the reason for the
12 absence is of such an emergency nature that prior consent
13 by the court is not possible, without the prior
14 notification and approval of the person's probation
15 officer. Transfer of a person's probation or conditional
16 discharge supervision to another state is subject to
17 acceptance by the other state pursuant to the Interstate
18 Compact for Adult Offender Supervision;

19 (5) permit the probation officer to visit him at
20 his home or elsewhere to the extent necessary to
21 discharge his duties;

22 (6) perform no less than 30 hours of community
23 service and not more than 120 hours of community service,
24 if community service is available in the jurisdiction and
25 is funded and approved by the county board where the
26 offense was committed, where the offense was related to
27 or in furtherance of the criminal activities of an
28 organized gang and was motivated by the offender's
29 membership in or allegiance to an organized gang. The
30 community service shall include, but not be limited to,
31 the cleanup and repair of any damage caused by a
32 violation of Section 21-1.3 of the Criminal Code of 1961
33 and similar damage to property located within the
34 municipality or county in which the violation occurred.

1 When possible and reasonable, the community service
2 should be performed in the offender's neighborhood. For
3 purposes of this Section, "organized gang" has the
4 meaning ascribed to it in Section 10 of the Illinois
5 Streetgang Terrorism Omnibus Prevention Act;

6 (7) if he or she is at least 17 years of age and
7 has been sentenced to probation or conditional discharge
8 for a misdemeanor or felony in a county of 3,000,000 or
9 more inhabitants and has not been previously convicted of
10 a misdemeanor or felony, may be required by the
11 sentencing court to attend educational courses designed
12 to prepare the defendant for a high school diploma and to
13 work toward a high school diploma or to work toward
14 passing the high school level Test of General Educational
15 Development (GED) or to work toward completing a
16 vocational training program approved by the court. The
17 person on probation or conditional discharge must attend
18 a public institution of education to obtain the
19 educational or vocational training required by this
20 clause (7). The court shall revoke the probation or
21 conditional discharge of a person who wilfully fails to
22 comply with this clause (7). The person on probation or
23 conditional discharge shall be required to pay for the
24 cost of the educational courses or GED test, if a fee is
25 charged for those courses or test. The court shall
26 resentence the offender whose probation or conditional
27 discharge has been revoked as provided in Section 5-6-4.
28 This clause (7) does not apply to a person who has a
29 high school diploma or has successfully passed the GED
30 test. This clause (7) does not apply to a person who is
31 determined by the court to be developmentally disabled or
32 otherwise mentally incapable of completing the
33 educational or vocational program;

34 (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act or Illinois
2 Controlled Substances Act after a previous conviction or
3 disposition of supervision for possession of a substance
4 prohibited by the Cannabis Control Act or Illinois
5 Controlled Substances Act or after a sentence of
6 probation under Section 10 of the Cannabis Control Act or
7 Section 410 of the Illinois Controlled Substances Act and
8 upon a finding by the court that the person is addicted,
9 undergo treatment at a substance abuse program approved
10 by the court; and

11 (9) if convicted of a felony, physically surrender
12 at a time and place designated by the court, his or her
13 Firearm Owner's Identification Card and any and all
14 firearms in his or her possession.

15 (b) The Court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the Court require that
19 the person:

20 (1) serve a term of periodic imprisonment under
21 Article 7 for a period not to exceed that specified in
22 paragraph (d) of Section 5-7-1;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric
27 treatment; or treatment for drug addiction or alcoholism;

28 (5) attend or reside in a facility established for
29 the instruction or residence of defendants on probation;

30 (6) support his dependents;

31 (7) and in addition, if a minor:

32 (i) reside with his parents or in a foster
33 home;

34 (ii) attend school;

1 (iii) attend a non-residential program for
2 youth;

3 (iv) contribute to his own support at home or
4 in a foster home;

5 (v) with the consent of the superintendent of
6 the facility, attend an educational program at a
7 facility other than the school in which the offense
8 was committed if he or she is convicted of a crime
9 of violence as defined in Section 2 of the Crime
10 Victims Compensation Act committed in a school, on
11 the real property comprising a school, or within
12 1,000 feet of the real property comprising a school;

13 (8) make restitution as provided in Section 5-5-6
14 of this Code;

15 (9) perform some reasonable public or community
16 service;

17 (10) serve a term of home confinement. In addition
18 to any other applicable condition of probation or
19 conditional discharge, the conditions of home confinement
20 shall be that the offender:

21 (i) remain within the interior premises of the
22 place designated for his confinement during the
23 hours designated by the court;

24 (ii) admit any person or agent designated by
25 the court into the offender's place of confinement
26 at any time for purposes of verifying the offender's
27 compliance with the conditions of his confinement;
28 and

29 (iii) if further deemed necessary by the court
30 or the Probation or Court Services Department, be
31 placed on an approved electronic monitoring device,
32 subject to Article 8A of Chapter V;

33 (iv) for persons convicted of any alcohol,
34 cannabis or controlled substance violation who are

1 placed on an approved monitoring device as a
2 condition of probation or conditional discharge, the
3 court shall impose a reasonable fee for each day of
4 the use of the device, as established by the county
5 board in subsection (g) of this Section, unless
6 after determining the inability of the offender to
7 pay the fee, the court assesses a lesser fee or no
8 fee as the case may be. This fee shall be imposed in
9 addition to the fees imposed under subsections
10 (g) and (i) of this Section. The fee shall be
11 collected by the clerk of the circuit court. The
12 clerk of the circuit court shall pay all monies
13 collected from this fee to the county treasurer for
14 deposit in the substance abuse services fund under
15 Section 5-1086.1 of the Counties Code; and

16 (v) for persons convicted of offenses other
17 than those referenced in clause (iv) above and who
18 are placed on an approved monitoring device as a
19 condition of probation or conditional discharge, the
20 court shall impose a reasonable fee for each day of
21 the use of the device, as established by the county
22 board in subsection (g) of this Section, unless
23 after determining the inability of the defendant to
24 pay the fee, the court assesses a lesser fee or no
25 fee as the case may be. This fee shall be imposed
26 in addition to the fees imposed under subsections
27 (g) and (i) of this Section. The fee shall be
28 collected by the clerk of the circuit court. The
29 clerk of the circuit court shall pay all monies
30 collected from this fee to the county treasurer who
31 shall use the monies collected to defray the costs
32 of corrections. The county treasurer shall deposit
33 the fee collected in the county working cash fund
34 under Section 6-27001 or Section 6-29002 of the

1 Counties Code, as the case may be.

2 (11) comply with the terms and conditions of an
3 order of protection issued by the court pursuant to the
4 Illinois Domestic Violence Act of 1986, as now or
5 hereafter amended, or a foreign protection order (as
6 defined in the Uniform Interstate Enforcement of
7 Domestic-Violence Protection Orders Act) ~~an order of~~
8 ~~protection issued by the court of another state, tribe,~~
9 ~~or United States territory.~~ A copy of the order of
10 protection or foreign protection order shall be
11 transmitted to the probation officer or agency having
12 responsibility for the case;

13 (12) reimburse any "local anti-crime program" as
14 defined in Section 7 of the Anti-Crime Advisory Council
15 Act for any reasonable expenses incurred by the program
16 on the offender's case, not to exceed the maximum amount
17 of the fine authorized for the offense for which the
18 defendant was sentenced;

19 (13) contribute a reasonable sum of money, not to
20 exceed the maximum amount of the fine authorized for the
21 offense for which the defendant was sentenced, to a
22 "local anti-crime program", as defined in Section 7 of
23 the Anti-Crime Advisory Council Act;

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the
27 purpose of the entry, the time of day, other persons
28 accompanying the defendant, and advance approval by a
29 probation officer, if the defendant has been placed on
30 probation or advance approval by the court, if the
31 defendant was placed on conditional discharge;

32 (15) refrain from having any contact, directly or
33 indirectly, with certain specified persons or particular
34 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the Cannabis
4 Control Act or the Illinois Controlled Substances Act,
5 unless prescribed by a physician, and submit samples of
6 his or her blood or urine or both for tests to determine
7 the presence of any illicit drug.

8 (c) The court may as a condition of probation or of
9 conditional discharge require that a person under 18 years of
10 age found guilty of any alcohol, cannabis or controlled
11 substance violation, refrain from acquiring a driver's
12 license during the period of probation or conditional
13 discharge. If such person is in possession of a permit or
14 license, the court may require that the minor refrain from
15 driving or operating any motor vehicle during the period of
16 probation or conditional discharge, except as may be
17 necessary in the course of the minor's lawful employment.

18 (d) An offender sentenced to probation or to conditional
19 discharge shall be given a certificate setting forth the
20 conditions thereof.

21 (e) Except where the offender has committed a fourth or
22 subsequent violation of subsection (c) of Section 6-303 of
23 the Illinois Vehicle Code, the court shall not require as a
24 condition of the sentence of probation or conditional
25 discharge that the offender be committed to a period of
26 imprisonment in excess of 6 months. This 6 month limit shall
27 not include periods of confinement given pursuant to a
28 sentence of county impact incarceration under Section
29 5-8-1.2. This 6 month limit does not apply to a person
30 sentenced to probation as a result of a conviction of a
31 fourth or subsequent violation of subsection (c-4) of Section
32 11-501 of the Illinois Vehicle Code or a similar provision of
33 a local ordinance.

34 Persons committed to imprisonment as a condition of

1 probation or conditional discharge shall not be committed to
2 the Department of Corrections.

3 (f) The court may combine a sentence of periodic
4 imprisonment under Article 7 or a sentence to a county impact
5 incarceration program under Article 8 with a sentence of
6 probation or conditional discharge.

7 (g) An offender sentenced to probation or to conditional
8 discharge and who during the term of either undergoes
9 mandatory drug or alcohol testing, or both, or is assigned to
10 be placed on an approved electronic monitoring device, shall
11 be ordered to pay all costs incidental to such mandatory drug
12 or alcohol testing, or both, and all costs incidental to such
13 approved electronic monitoring in accordance with the
14 defendant's ability to pay those costs. The county board
15 with the concurrence of the Chief Judge of the judicial
16 circuit in which the county is located shall establish
17 reasonable fees for the cost of maintenance, testing, and
18 incidental expenses related to the mandatory drug or alcohol
19 testing, or both, and all costs incidental to approved
20 electronic monitoring, involved in a successful probation
21 program for the county. The concurrence of the Chief Judge
22 shall be in the form of an administrative order. The fees
23 shall be collected by the clerk of the circuit court. The
24 clerk of the circuit court shall pay all moneys collected
25 from these fees to the county treasurer who shall use the
26 moneys collected to defray the costs of drug testing, alcohol
27 testing, and electronic monitoring. The county treasurer
28 shall deposit the fees collected in the county working cash
29 fund under Section 6-27001 or Section 6-29002 of the Counties
30 Code, as the case may be.

31 (h) Jurisdiction over an offender may be transferred
32 from the sentencing court to the court of another circuit
33 with the concurrence of both courts. Further transfers or
34 retransfers of jurisdiction are also authorized in the same

1 manner. The court to which jurisdiction has been transferred
2 shall have the same powers as the sentencing court.

3 (i) The court shall impose upon an offender sentenced to
4 probation after January 1, 1989 or to conditional discharge
5 after January 1, 1992, as a condition of such probation or
6 conditional discharge, a fee of \$25 for each month of
7 probation or conditional discharge supervision ordered by the
8 court, unless after determining the inability of the person
9 sentenced to probation or conditional discharge to pay the
10 fee, the court assesses a lesser fee. The court may not
11 impose the fee on a minor who is made a ward of the State
12 under the Juvenile Court Act of 1987 while the minor is in
13 placement. The fee shall be imposed only upon an offender who
14 is actively supervised by the probation and court services
15 department. The fee shall be collected by the clerk of the
16 circuit court. The clerk of the circuit court shall pay all
17 monies collected from this fee to the county treasurer for
18 deposit in the probation and court services fund under
19 Section 15.1 of the Probation and Probation Officers Act.

20 (j) All fines and costs imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance,
23 and any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected
25 and disbursed by the circuit clerk as provided under Section
26 27.5 of the Clerks of Courts Act.

27 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;
28 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.
29 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571,
30 eff. 6-26-02; 92-651, eff. 7-11-02.)

31 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)
32 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

33 (a) When a defendant is placed on supervision, the court

1 shall enter an order for supervision specifying the period of
2 such supervision, and shall defer further proceedings in the
3 case until the conclusion of the period.

4 (b) The period of supervision shall be reasonable under
5 all of the circumstances of the case, but may not be longer
6 than 2 years, unless the defendant has failed to pay the
7 assessment required by Section 10.3 of the Cannabis Control
8 Act or Section 411.2 of the Illinois Controlled Substances
9 Act, in which case the court may extend supervision beyond 2
10 years. Additionally, the court shall order the defendant to
11 perform no less than 30 hours of community service and not
12 more than 120 hours of community service, if community
13 service is available in the jurisdiction and is funded and
14 approved by the county board where the offense was committed,
15 when the offense (1) was related to or in furtherance of the
16 criminal activities of an organized gang or was motivated by
17 the defendant's membership in or allegiance to an organized
18 gang; or (2) is a violation of any Section of Article 24 of
19 the Criminal Code of 1961 where a disposition of supervision
20 is not prohibited by Section 5-6-1 of this Code. The
21 community service shall include, but not be limited to, the
22 cleanup and repair of any damage caused by violation of
23 Section 21-1.3 of the Criminal Code of 1961 and similar
24 damages to property located within the municipality or county
25 in which the violation occurred. Where possible and
26 reasonable, the community service should be performed in the
27 offender's neighborhood.

28 For the purposes of this Section, "organized gang" has
29 the meaning ascribed to it in Section 10 of the Illinois
30 Streetgang Terrorism Omnibus Prevention Act.

31 (c) The court may in addition to other reasonable
32 conditions relating to the nature of the offense or the
33 rehabilitation of the defendant as determined for each
34 defendant in the proper discretion of the court require that

1 the person:

2 (1) make a report to and appear in person before or
3 participate with the court or such courts, person, or
4 social service agency as directed by the court in the
5 order of supervision;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for
12 the instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) refrain from possessing a firearm or other
15 dangerous weapon;

16 (8) and in addition, if a minor:

17 (i) reside with his parents or in a foster
18 home;

19 (ii) attend school;

20 (iii) attend a non-residential program for
21 youth;

22 (iv) contribute to his own support at home or
23 in a foster home; or

24 (v) with the consent of the superintendent of
25 the facility, attend an educational program at a
26 facility other than the school in which the offense
27 was committed if he or she is placed on supervision
28 for a crime of violence as defined in Section 2 of
29 the Crime Victims Compensation Act committed in a
30 school, on the real property comprising a school, or
31 within 1,000 feet of the real property comprising a
32 school;

33 (9) make restitution or reparation in an amount not
34 to exceed actual loss or damage to property and pecuniary

1 loss or make restitution under Section 5-5-6 to a
2 domestic violence shelter. The court shall determine the
3 amount and conditions of payment;

4 (10) perform some reasonable public or community
5 service;

6 (11) comply with the terms and conditions of an
7 order of protection issued by the court pursuant to the
8 Illinois Domestic Violence Act of 1986 or a foreign
9 protection order (as defined in the Uniform Interstate
10 Enforcement of Domestic-Violence Protection Orders Act)
11 ~~an--order--of--protection--issued-by-the-court-of-another~~
12 ~~state,--tribe,--or--United-States-territory.~~ If the court
13 has ordered the defendant to make a report and appear in
14 person under paragraph (1) of this subsection, a copy of
15 the order of protection or foreign protection order shall
16 be transmitted to the person or agency so designated by
17 the court;

18 (12) reimburse any "local anti-crime program" as
19 defined in Section 7 of the Anti-Crime Advisory Council
20 Act for any reasonable expenses incurred by the program
21 on the offender's case, not to exceed the maximum amount
22 of the fine authorized for the offense for which the
23 defendant was sentenced;

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, to a
27 "local anti-crime program", as defined in Section 7 of
28 the Anti-Crime Advisory Council Act;

29 (14) refrain from entering into a designated
30 geographic area except upon such terms as the court finds
31 appropriate. Such terms may include consideration of the
32 purpose of the entry, the time of day, other persons
33 accompanying the defendant, and advance approval by a
34 probation officer;

1 (15) refrain from having any contact, directly or
2 indirectly, with certain specified persons or particular
3 types of person, including but not limited to members of
4 street gangs and drug users or dealers;

5 (16) refrain from having in his or her body the
6 presence of any illicit drug prohibited by the Cannabis
7 Control Act or the Illinois Controlled Substances Act,
8 unless prescribed by a physician, and submit samples of
9 his or her blood or urine or both for tests to determine
10 the presence of any illicit drug;

11 (17) refrain from operating any motor vehicle not
12 equipped with an ignition interlock device as defined in
13 Section 1-129.1 of the Illinois Vehicle Code. Under this
14 condition the court may allow a defendant who is not
15 self-employed to operate a vehicle owned by the
16 defendant's employer that is not equipped with an
17 ignition interlock device in the course and scope of the
18 defendant's employment.

19 (d) The court shall defer entering any judgment on the
20 charges until the conclusion of the supervision.

21 (e) At the conclusion of the period of supervision, if
22 the court determines that the defendant has successfully
23 complied with all of the conditions of supervision, the court
24 shall discharge the defendant and enter a judgment dismissing
25 the charges.

26 (f) Discharge and dismissal upon a successful conclusion
27 of a disposition of supervision shall be deemed without
28 adjudication of guilt and shall not be termed a conviction
29 for purposes of disqualification or disabilities imposed by
30 law upon conviction of a crime. Two years after the
31 discharge and dismissal under this Section, unless the
32 disposition of supervision was for a violation of Sections
33 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois
34 Vehicle Code or a similar provision of a local ordinance, or

1 for a violation of Sections 12-3.2 or 16A-3 of the Criminal
2 Code of 1961, in which case it shall be 5 years after
3 discharge and dismissal, a person may have his record of
4 arrest sealed or expunged as may be provided by law.
5 However, any defendant placed on supervision before January
6 1, 1980, may move for sealing or expungement of his arrest
7 record, as provided by law, at any time after discharge and
8 dismissal under this Section. A person placed on supervision
9 for a sexual offense committed against a minor as defined in
10 subsection (g) of Section 5 of the Criminal Identification
11 Act or for a violation of Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance
13 shall not have his or her record of arrest sealed or
14 expunged.

15 (g) A defendant placed on supervision and who during the
16 period of supervision undergoes mandatory drug or alcohol
17 testing, or both, or is assigned to be placed on an approved
18 electronic monitoring device, shall be ordered to pay the
19 costs incidental to such mandatory drug or alcohol testing,
20 or both, and costs incidental to such approved electronic
21 monitoring in accordance with the defendant's ability to pay
22 those costs. The county board with the concurrence of the
23 Chief Judge of the judicial circuit in which the county is
24 located shall establish reasonable fees for the cost of
25 maintenance, testing, and incidental expenses related to the
26 mandatory drug or alcohol testing, or both, and all costs
27 incidental to approved electronic monitoring, of all
28 defendants placed on supervision. The concurrence of the
29 Chief Judge shall be in the form of an administrative order.
30 The fees shall be collected by the clerk of the circuit
31 court. The clerk of the circuit court shall pay all moneys
32 collected from these fees to the county treasurer who shall
33 use the moneys collected to defray the costs of drug testing,
34 alcohol testing, and electronic monitoring. The county

1 treasurer shall deposit the fees collected in the county
2 working cash fund under Section 6-27001 or Section 6-29002 of
3 the Counties Code, as the case may be.

4 (h) A disposition of supervision is a final order for
5 the purposes of appeal.

6 (i) The court shall impose upon a defendant placed on
7 supervision after January 1, 1992, as a condition of
8 supervision, a fee of \$25 for each month of supervision
9 ordered by the court, unless after determining the inability
10 of the person placed on supervision to pay the fee, the court
11 assesses a lesser fee. The court may not impose the fee on a
12 minor who is made a ward of the State under the Juvenile
13 Court Act of 1987 while the minor is in placement. The fee
14 shall be imposed only upon a defendant who is actively
15 supervised by the probation and court services department.
16 The fee shall be collected by the clerk of the circuit court.
17 The clerk of the circuit court shall pay all monies collected
18 from this fee to the county treasurer for deposit in the
19 probation and court services fund pursuant to Section 15.1 of
20 the Probation and Probation Officers Act.

21 (j) All fines and costs imposed under this Section for
22 any violation of Chapters 3, 4, 6, and 11 of the Illinois
23 Vehicle Code, or a similar provision of a local ordinance,
24 and any violation of the Child Passenger Protection Act, or a
25 similar provision of a local ordinance, shall be collected
26 and disbursed by the circuit clerk as provided under Section
27 27.5 of the Clerks of Courts Act.

28 (k) A defendant at least 17 years of age who is placed
29 on supervision for a misdemeanor in a county of 3,000,000 or
30 more inhabitants and who has not been previously convicted of
31 a misdemeanor or felony may as a condition of his or her
32 supervision be required by the court to attend educational
33 courses designed to prepare the defendant for a high school
34 diploma and to work toward a high school diploma or to work

1 toward passing the high school level Test of General
2 Educational Development (GED) or to work toward completing a
3 vocational training program approved by the court. The
4 defendant placed on supervision must attend a public
5 institution of education to obtain the educational or
6 vocational training required by this subsection (k). The
7 defendant placed on supervision shall be required to pay for
8 the cost of the educational courses or GED test, if a fee is
9 charged for those courses or test. The court shall revoke
10 the supervision of a person who wilfully fails to comply with
11 this subsection (k). The court shall resentence the
12 defendant upon revocation of supervision as provided in
13 Section 5-6-4. This subsection (k) does not apply to a
14 defendant who has a high school diploma or has successfully
15 passed the GED test. This subsection (k) does not apply to a
16 defendant who is determined by the court to be
17 developmentally disabled or otherwise mentally incapable of
18 completing the educational or vocational program.

19 (l) The court shall require a defendant placed on
20 supervision for possession of a substance prohibited by the
21 Cannabis Control Act or Illinois Controlled Substances Act
22 after a previous conviction or disposition of supervision for
23 possession of a substance prohibited by the Cannabis Control
24 Act or Illinois Controlled Substances Act or a sentence of
25 probation under Section 10 of the Cannabis Control Act or
26 Section 410 of the Illinois Controlled Substances Act and
27 after a finding by the court that the person is addicted, to
28 undergo treatment at a substance abuse program approved by
29 the court.

30 (m) The Secretary of State shall require anyone placed
31 on court supervision for a violation of Section 3-707 of the
32 Illinois Vehicle Code or a similar provision of a local
33 ordinance to give proof of his or her financial
34 responsibility as defined in Section 7-315 of the Illinois

1 Vehicle Code. The proof shall be maintained by the
2 individual in a manner satisfactory to the Secretary of State
3 for a minimum period of one year after the date the proof is
4 first filed. The proof shall be limited to a single action
5 per arrest and may not be affected by any post-sentence
6 disposition. The Secretary of State shall suspend the
7 driver's license of any person determined by the Secretary to
8 be in violation of this subsection.

9 (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00;
10 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff.
11 8-22-01; 92-651, eff. 7-11-02.)

12 Section 11.3. The Code of Civil Procedure is amended by
13 changing Sections 12-652, 12-653, and 12-655 as follows:

14 (735 ILCS 5/12-652) (from Ch. 110, par. 12-652)

15 Sec. 12-652. Filing and Status of Foreign Judgments.

16 (a) A copy of any foreign judgment authenticated in
17 accordance with the acts of Congress or the statutes of this
18 State may be filed in the office of the circuit clerk for any
19 county of this State. The clerk shall treat the foreign
20 judgment in the same manner as a judgment of the circuit
21 court for any county of this State. A judgment so filed has
22 the same effect and is subject to the same procedures,
23 defenses and proceedings for reopening, vacating, or staying
24 as a judgment of a circuit court for any county of this State
25 and may be enforced or satisfied in like manner.

26 (b) A foreign judgment or lien arising by operation of
27 law, and resulting from an order requiring child support
28 payments shall be entitled to full faith and credit in this
29 State, shall be enforceable in the same manner as any
30 judgment or lien of this State resulting from an order
31 requiring child support payments, and shall not be required
32 to be filed with the office of the circuit clerk in any

1 county of this State, except as provided for in Sections
2 10-25 and 10-25.5 of the Illinois Public Aid Code.

3 (c) A foreign protection order (as defined in the
4 Uniform Interstate Enforcement of Domestic-Violence
5 Protection Orders Act) ~~order--of--protection-issued-by-the~~
6 ~~court-of-another-state,-tribe,-or-United-States-territory~~ is
7 entitled to full faith and credit in this State, is
8 enforceable in the same manner as any order of protection
9 issued by a circuit court for any county of this State, and
10 may be filed with the circuit clerk in any county of this
11 State as provided in Section 222.5 of the Illinois Domestic
12 Violence Act of 1986 or Section 22.5 of the Code of Criminal
13 Procedure of 1963. A foreign ~~order-of~~ protection order shall
14 not be required to be filed with the circuit clerk to be
15 entitled to full faith and credit in this State and
16 enforcement under the Uniform Interstate Enforcement of
17 Domestic-Violence Protection Orders Act.

18 (Source: P.A. 90-18, eff. 7-1-97; 91-903, eff. 1-1-01.)

19 (735 ILCS 5/12-653) (from Ch. 110, par. 12-653)
20 Sec. 12-653. Notice of Filing.

21 (a) At the time of the filing of the foreign judgment,
22 the judgment creditor or his lawyer shall make and file with
23 the circuit clerk an affidavit setting forth the name and
24 last known post office address of the judgment debtor, and
25 the judgment creditor.

26 (b) Promptly upon the filing of a foreign judgment
27 (other than a foreign ~~order-of~~ protection order) and the
28 affidavit, the clerk shall mail notice of the filing of the
29 foreign judgment to the judgment debtor at the address given
30 and shall make a note of the mailing in the docket. The
31 notice shall include the name and post office address of the
32 judgment creditor and the judgment creditor's lawyer, if any,
33 in this State. In addition, the judgment creditor may mail a

1 notice of the filing of the judgment to the judgment debtor
2 and may file proof of mailing with the clerk. Lack of
3 mailing notice of filing by the clerk shall not affect the
4 enforcement proceedings if proof of mailing by the judgment
5 creditor has been filed.

6 (c) The clerk shall not mail notice of the filing of a
7 foreign ~~order-of~~ protection order to the respondent named in
8 the order.

9 (Source: P.A. 91-903, eff. 1-1-01.)

10 (735 ILCS 5/12-655) (from Ch. 110, par. 12-655)

11 Sec. 12-655. Fees.

12 (a) Any person filing a foreign judgment shall pay a fee
13 to the circuit clerk equivalent to the fee which would be
14 required were the person filing a complaint seeking the
15 amount awarded in the foreign judgment. Fees for docketing,
16 transcription or other enforcement proceedings shall be as
17 provided for judgments of the circuit court.

18 (b) The clerk shall not charge a fee to any person to
19 register a foreign ~~order-of~~ protection order.

20 (Source: P.A. 91-903, eff. 1-1-01.)

21 Section 11.4. The Illinois Domestic Violence Act of 1986
22 is amended by changing Sections 222.5, 223, and 302 as
23 follows:

24 (750 ILCS 60/222.5)

25 Sec. 222.5. Filing of a foreign protection order an
26 ~~order-of-protection-issued-in-another-state~~.

27 (a) A person entitled to protection under a foreign
28 protection order (as defined in the Uniform Interstate
29 Enforcement of Domestic-Violence Protection Orders Act) an
30 ~~order--of--protection--issued--by--the--court--of--another--state,~~
31 ~~tribe,-or-United-States-territory~~ may file a certified copy

1 of the ~~order--of~~ foreign protection order with the clerk of
2 the court in a judicial circuit in which the person believes
3 that enforcement may be necessary.

4 (b) The clerk shall:

5 (1) treat the foreign ~~order--of~~ protection order in
6 the same manner as a judgment of the circuit court for
7 any county of this State in accordance with the
8 provisions of the Uniform Enforcement of Foreign
9 Judgments Act, except that the clerk shall not mail
10 notice of the filing of the foreign protection order to
11 the respondent named in the order; and

12 (2) on the same day that a foreign ~~order--of~~
13 protection order is filed, file a certified copy of that
14 order with the sheriff or other law enforcement officials
15 charged with maintaining Department of State Police
16 records as set forth in Section 222 of this Act.

17 (c) Neither residence in this State nor filing of a
18 foreign ~~order--of~~ protection order shall be required for
19 enforcement of the order by this State. Failure to file the
20 foreign order shall not be an impediment to its treatment in
21 all respects as an Illinois order of protection nor its
22 enforcement under the Uniform Interstate Enforcement of
23 Domestic-Violence Protection Orders Act.

24 (d) The clerk shall not charge a fee to file a foreign
25 ~~order--of~~ protection order under this Section.

26 (e) The sheriff shall inform the Department of State
27 Police as set forth in Section 302 of this Act.

28 (Source: P.A. 91-903, eff. 1-1-01.)

29 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

30 Sec. 223. Enforcement of orders of protection.

31 (a) When violation is crime. A violation of any order of
32 protection, whether issued in a civil or criminal proceeding,
33 may be enforced by a criminal court when:

1 (1) The respondent commits the crime of violation
2 of an order of protection pursuant to Section 12-30 of
3 the Criminal Code of 1961, by having knowingly violated:

4 (i) remedies described in paragraphs (1), (2),
5 (3), (14), or (14.5) of subsection (b) of Section
6 214 of this Act; or

7 (ii) a remedy, which is substantially similar
8 to the remedies authorized under paragraphs (1),
9 (2), (3), (14), and (14.5) of subsection (b) of
10 Section 214 of this Act, in a valid order-of foreign
11 protection order ~~which-is-authorized-under-the-laws~~
12 ~~of-another-state,-tribe,-or-United-States-territory;~~
13 or

14 (iii) any other remedy when the act
15 constitutes a crime against the protected parties as
16 defined by the Criminal Code of 1961.

17 Prosecution for a violation of an order of
18 protection shall not bar concurrent prosecution for any
19 other crime, including any crime that may have been
20 committed at the time of the violation of the order of
21 protection; or

22 (2) The respondent commits the crime of child
23 abduction pursuant to Section 10-5 of the Criminal Code
24 of 1961, by having knowingly violated:

25 (i) remedies described in paragraphs (5), (6)
26 or (8) of subsection (b) of Section 214 of this Act;
27 or

28 (ii) a remedy, which is substantially similar
29 to the remedies authorized under paragraphs (5),
30 (6), or (8) of subsection (b) of Section 214 of this
31 Act, in a valid foreign order-of protection order
32 ~~which-is-authorized-under-the-laws-of-another-state,-~~
33 ~~tribe,-or-United-States-territory.~~

34 (b) When violation is contempt of court. A violation of

1 any valid Illinois order of protection, whether issued in a
2 civil or criminal proceeding, may be enforced through civil
3 or criminal contempt procedures, as appropriate, by any court
4 with jurisdiction, regardless where the act or acts which
5 violated the order of protection were committed, to the
6 extent consistent with the venue provisions of this Act.
7 Nothing in this Act shall preclude any Illinois court from
8 enforcing any valid order of protection issued in another
9 state. Illinois courts may enforce orders of protection
10 through both criminal prosecution and contempt proceedings,
11 unless the action which is second in time is barred by
12 collateral estoppel or the constitutional prohibition against
13 double jeopardy.

14 (1) In a contempt proceeding where the petition for
15 a rule to show cause sets forth facts evidencing an
16 immediate danger that the respondent will flee the
17 jurisdiction, conceal a child, or inflict physical abuse
18 on the petitioner or minor children or on dependent
19 adults in petitioner's care, the court may order the
20 attachment of the respondent without prior service of the
21 rule to show cause or the petition for a rule to show
22 cause. Bond shall be set unless specifically denied in
23 writing.

24 (2) A petition for a rule to show cause for
25 violation of an order of protection shall be treated as
26 an expedited proceeding.

27 (c) Violation of custody or support orders. A violation
28 of remedies described in paragraphs (5), (6), (8), or (9) of
29 subsection (b) of Section 214 of this Act may be enforced by
30 any remedy provided by Section 611 of the Illinois Marriage
31 and Dissolution of Marriage Act. The court may enforce any
32 order for support issued under paragraph (12) of subsection
33 (b) of Section 214 in the manner provided for under Articles
34 V and VII of the Illinois Marriage and Dissolution of

1 Marriage Act.

2 (d) Actual knowledge. An order of protection may be
3 enforced pursuant to this Section if the respondent violates
4 the order after the respondent has actual knowledge of its
5 contents as shown through one of the following means:

6 1t (1) By service, delivery, or notice under Section 210.

7 (2) By notice under Section 210.1 or 211.

8 (3) By service of an order of protection under
9 Section 222.

10 (4) By other means demonstrating actual knowledge
11 of the contents of the order.

12 (e) The enforcement of an order of protection in civil
13 or criminal court shall not be affected by either of the
14 following:

15 (1) The existence of a separate, correlative order,
16 entered under Section 215.

17 (2) Any finding or order entered in a conjoined
18 criminal proceeding.

19 (f) Circumstances. The court, when determining whether
20 or not a violation of an order of protection has occurred,
21 shall not require physical manifestations of abuse on the
22 person of the victim.

23 (g) Penalties.

24 (1) Except as provided in paragraph (3) of this
25 subsection, where the court finds the commission of a
26 crime or contempt of court under subsections (a) or (b)
27 of this Section, the penalty shall be the penalty that
28 generally applies in such criminal or contempt
29 proceedings, and may include one or more of the
30 following: incarceration, payment of restitution, a fine,
31 payment of attorneys' fees and costs, or community
32 service.

33 (2) The court shall hear and take into account
34 evidence of any factors in aggravation or mitigation

1 before deciding an appropriate penalty under paragraph
2 (1) of this subsection.

3 (3) To the extent permitted by law, the court is
4 encouraged to:

5 (i) increase the penalty for the knowing
6 violation of any order of protection over any
7 penalty previously imposed by any court for
8 respondent's violation of any order of protection or
9 penal statute involving petitioner as victim and
10 respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours
12 imprisonment for respondent's first violation of any
13 order of protection; and

14 (iii) impose a minimum penalty of 48 hours
15 imprisonment for respondent's second or subsequent
16 violation of an order of protection

17 unless the court explicitly finds that an increased
18 penalty or that period of imprisonment would be
19 manifestly unjust.

20 (4) In addition to any other penalties imposed for
21 a violation of an order of protection, a criminal court
22 may consider evidence of any violations of an order of
23 protection:

24 (i) to increase, revoke or modify the bail
25 bond on an underlying criminal charge pursuant to
26 Section 110-6 of the Code of Criminal Procedure of
27 1963;

28 (ii) to revoke or modify an order of
29 probation, conditional discharge or supervision,
30 pursuant to Section 5-6-4 of the Unified Code of
31 Corrections;

32 (iii) to revoke or modify a sentence of
33 periodic imprisonment, pursuant to Section 5-7-2 of
34 the Unified Code of Corrections.

1 (5) In addition to any other penalties, the court
2 shall impose an additional fine of \$20 as authorized by
3 Section 5-9-1.11 of the Unified Code of Corrections upon
4 any person convicted of or placed on supervision for a
5 violation of an order of protection. The additional fine
6 shall be imposed for each violation of this Section.
7 (Source: P.A. 90-241, eff. 1-1-98; 91-903, eff. 1-1-01.)

8 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

9 Sec. 302. Data maintenance by law enforcement agencies.

10 (a) All sheriffs shall furnish to the Department of
11 State Police, on the same day as received, in the form and
12 detail the Department requires, copies of any recorded
13 emergency, interim, or plenary orders of protection issued by
14 the court, and any foreign ~~orders-of~~ protection orders filed
15 with by the clerk of the court, and transmitted to the
16 sheriff by the clerk of the court pursuant to subsection (b)
17 of Section 222 of this Act. In this Section, "order of
18 protection" includes an order of protection issued in this
19 State and a foreign protection order filed with the clerk of
20 the court. Each order of protection shall be entered in the
21 Law Enforcement Automated Data System on the same day it is
22 issued by the court or filed with the clerk of the court. If
23 an emergency order of protection was issued in accordance
24 with subsection (c) of Section 217, the order shall be
25 entered in the Law Enforcement Automated Data System as soon
26 as possible after receipt from the clerk.

27 (b) The Department of State Police shall maintain a
28 complete and systematic record and index of all valid and
29 recorded orders of protection issued pursuant to this Act.
30 The data shall be used to inform all dispatchers and law
31 enforcement officers at the scene of an alleged incident of
32 abuse, neglect, or exploitation or violation of an order of
33 protection of any recorded prior incident of abuse, neglect,

1 or exploitation involving the abused, neglected, or exploited
2 party and the effective dates and terms of any recorded order
3 of protection.

4 (c) The data, records and transmittals required under
5 this Section shall pertain to any valid emergency, interim or
6 plenary order of protection, whether issued in a civil or
7 criminal proceeding or issued by a tribunal as defined in the
8 Uniform Interstate Enforcement of Domestic-Violence
9 Protection Orders Act ~~authorized under the laws of another~~
10 ~~state, tribe, or United States territory.~~

11 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01.)